



459097

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUN 20 2002

Ogden Brothers, Inc.  
1220 Buttonwood Street  
Philadelphia, PA 19123

Attention: Stephen Ogden, CEO

**Re: Overdue Response to Information Request-  
Lower Darby Creek Area Site - Clearview Landfill, Folcroft Landfill, and  
Folcroft Landfill Annex**

Dear Mr. Ogden:

On April 15, 2002, the U.S. Environmental Protection Agency ("EPA") issued a letter (copy of which is enclosed) to Ogden Brothers, Inc. requiring the provision of information and/or documents relating to the above-referenced Site, pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9604(e)(2) ("Information Request"). Your response was due within **fifteen (15) calendar days** of your receipt of the Information Request. The enclosed copy of the return receipt indicates that you received the Information Request on April 17, 2002. Accordingly, your response and all supporting information was due on or before **May 2, 2002**.

You must provide all requested documents as well as a separate and complete narrative response to each and every question contained in EPA's April 15, 2002, Information Request within **seven (7) calendar days** of your receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial Information Request.

**NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.



In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$27,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

All documents and information should be submitted to:

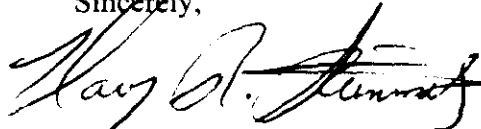
Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625. Questions of a legal nature may be addressed to Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Sincerely,

  
for Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

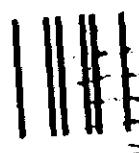
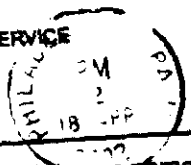
Enclosure

cc: Brian Nishitani (3RC44)  
Carlyn Winter Prisk (3HS11)  
Kristine Matzko (3HS21)  
Craig Olewiler (PADEP- Harrisburg)  
April Flipse (PADEP - Conshohocken)

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION (If needed)	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  X <i>James L. Ogden</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>4-11-02</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Ogden Brothers Inc.  1220 Buttonwood St.  Philadelphia, PA 19123</p> <p>Attn: Stephen Ogden, CEO</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label) <i>7000-0520-0025-245-1111</i></p>			

PS Form 3811, August 2001 Domestic Return Receipt 102986-01-44-2308

UNITED STATES POSTAL SERVICE



First-Class Mail  
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• Sender: Please print your name, address, and ZIP+4 in this box •

Carlyn Prisk (3HS11)  
U.S. Environmental Protection Agency  
PRP Investigation & Site Info. Section  
1650 Arch Street  
Philadelphia, PA 19102

*APR 22 2002*